

## **REMARKS**

### Introduction

The present application was filed with claims 1-51. Claims 19 and 46 were cancelled in the Response filed January 13, 2006, and claims 30-42 and 50 were withdrawn from consideration upon the finality of the Restriction Requirement. Applicants maintain the traversal of the restriction, however, claims 30-42 and 50 are cancelled in order to advance prosecution.

Claims 1, 8, 43, 49 and 51 are presently amended, and claims 2, 9, 20, 44 and 47 are cancelled and their limitations incorporated into claims 1, 8, 43, 49 and 51 respectively. Claims 1, 3-8, 10-18, 21-29, 43, 45, 48-49 and 51 are presently under examination.

All claims currently under examination were rejected by the Office Action of July 20, 2006. Applicants respectfully traverse the rejections and in light of the following arguments, request that the rejections be withdrawn.

### Rejection under 35 U.S.C. § 102: U.S. Patent 5,609,276 to Greatbach ("Greatbach")

Claims 1-4, 6-7, 43-45, 47-48 and 51 were rejected by the Office Action as anticipated by Greatbach. The rejection is respectfully traversed. Amended claim 1 requires that the cap be adapted to slidably engage a receiver piece with a push-pull motion. Greatbach does not meet this claim limitation. As stated in column 3, lines 30-32 of Greatbach, "[t]he inner part 4 [of closure device 1] is mounted on the neck 2 of the container by a screw thread engagement and cannot rotate during operation of the cap." It is only the inner 4 and outer 5 parts of cap 1 of Greatback that can move relative to each other; the cap does not move relative to the neck of the container. Thus, Greatbach does not satisfy Applicants' claim limitation of an internal cap ring adapted to slidably engage a receiver piece with a push pull motion. Claim 1 also requires that the support structure contact an inner surface of the top. Greatback does not

satisfy this claim limitation because webs 11 contact an inner surface of the opening, or orifice 8. Because Greatbach does not disclose each and every element of claim 1, claim 1 is not anticipated by Greatbach. Accordingly, claims 3-4, which depend from claim 1, are also not anticipated by Greatbach.

Independent claim 43 requires that the cap have a thread adapted for slidably engaging a ramp of a receiver piece to slide the cap up or down the ramp. As explained above, the closure of Greatbach does not move relative to the neck. Claim 43 further requires that the support structure contact an inner surface of the top. Greatbach does not meet these claim limitations. Therefore, Greatbach cannot anticipate claim 43 nor its dependent claim 45. Similarly, Applicant's claim 51 requires a ramp on the receiver piece for slidably engaging the cap to slide up or down and that the support structure contact an inner surface of the top. For the same reasons that Greatbach cannot meet the limitations of claims 1 and 43, Greatbach also cannot meet this limitation of claim 51. Further, Greatbach does not disclose a receiver piece having a ramp for slidably engaging the thread of the cap to slide the cap up or down the ramp as required by claim 51. Accordingly, claim 51 and dependent claim 48 is also not anticipated by Greatbach. Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 103(a): Greatbach in view of U.S. Patent 6,477,743 to Gross et al. ("Gross")

Claims 8-13, 15-18, 20-24, 26-29 and 49 are rejected as unpatentable over Greatbach in view of Gross. As stated in the Office Action, Greatbach lacks a receiver piece locked by a snap fit with the cap ring. The Office Action then cites Gross as providing a snap fit coupling between the cap and the receiver piece, and concludes that "it would have been obvious to one of ordinary skill in the art to have substituted the threading coupling of Greatbach with a snap-fit coupling as taught by Gross et al as an alternative equivalent means for coupling a

receiver with a cap". Applicants respectfully disagree.

Greatbach lacks a cap: 1) "adapted to slidably engage a receiver piece with a push-pull motion"; and 2) wherein the support structure contacts an inner surface of the top as required by claims 8-13, 15-18, 21-24, 26-29 and 49. Greatbach also lacks the limitation of Applicants' claims 49, 21-24 and 26-29 of "a receiver piece having a receiving ring adapted to lock with a cap ring".

Like Greatbach, Gross does not disclose a cap "adapted to slidably engage a receiver piece with a push-pull motion" as required by Applicants' amended independent claims 8 and 49. Gross states "[b]ecause the spout 40 is maintained at a fixed elevation on the closure body 30 by means of engagement between the lip 64 of closure body 30 and the spout skirt bead 140, the spout 40 merely rotates without undergoing any translation or axial movement" Gross, col. 7, lines 26-29 (emphasis added). Therefore, Gross does not meet the claim limitation of a cap ring that slidably engages a receiver with a push-pull motion.

Gross also fails to disclose a cap having a post and a support structure supporting the post as required by Applicants' claims. Because Gross does not remedy the deficiencies of Greatback, the combination fails to teach, suggest, or disclose Applicants' claim limitations as discussed above. Thus, the Action fails to set forth a *prima facie* case of obviousness and a rejection under 35 U.S.C. § 103 is not proper. It is respectfully submitted that claims 8, 10-13, 15-18, 21-24, 26-29 and 49 are patentable over the applied references. Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 103(a): Greatbach in view Gross and further in view of U.S. Patent 6,286,733 to Francois (Francois)

Claims 5, 14, and 25 were rejected as unpatentable over the combination of Greatbach, Gross, and Francois as applied to claims 1, 8, and 49. In light of the arguments

presented above, it submitted that claims 1, 8, and 49 are allowable. Therefore, claims 5, 14, and 25 are allowable as depending from allowable claims and for their further recited features. Withdrawal of the claims is respectfully requested.

Additional Comments

The Office Action cites U.S. Patents 3,384,596 to Brady et al. and 6,675,995 to Stull et al as examples of caps having a post. Applicants respectfully disagree.

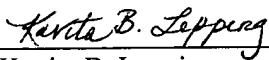
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicants request that the Examiner issue a Notice of Allowance indicating the allowability of claims 1, 3-8, 10-18, 21-29, 43, 45, 48-49 and 51 and that the application be passed to issue.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Respectfully submitted,

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Kavita B. Lepping  
Registration No. 54,262  
VENABLE LLP  
P.O. Box 34385  
Washington, D.C. 20043-9998  
Telephone: (202) 344-4000  
Telefax : (202) 344-8300